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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,429

11/03/2006

Sigmund Niklas

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23859

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Ballard Spahr Andrews & Ingersoll, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

EXAMINER

ARBES, CARL J

ART UNIT

PAPER NUMBER

3729

MAIL DATE

DELIVERY MODE

08/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,429	Applicant(s) NIKLAS ET AL.	
	Examiner C. J. Arbes	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 11/423,530.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>herein</u> . | 6) <input type="checkbox"/> Other: _____ |

Applicants' Remarks re the Restriction Requirement has been carefully but is held to not overcome the Office' position which holds that the inventions are indeed 2 different concepts . The Restriction is now **made Final**. Applicants are therefore required to cancel all non-elected claims or take other appropriate action.

An Office Action on the merits of claims 1-6 is provided hereinbelow.

The drawings are objected to because Applicants omit critical parts of the claimed apparatus. For example Applicants do not depict the member/s on which the pivoting point (or element is attached). Applicants do not depict the 1st and 2nd cameras in sufficient detail to show their relative positions with respect to the claimed pickup elements. Moreover applicants do not show when the pickup elements is at a 90 or 270 degree position with respect to claimed "through opening". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, because the specification, does not reasonably provide enablement for applicants' claimed invention. For example how does the pivot point work? What is the significance of elements number 15 in applicants Figure 2. What causes pivoting part to rotate only 90 or 270 degrees? What causes the pickup elements to travel along the "through opening"? . The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. Applicants provide an incomplete apparatus and also no reasonable manner for the reader to understand how it is made..

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. Applicants do not particularly point out or distinctly claims there invention because it is far from clear or certain how 14 is attached to pivotal point 17 and that pickup element

keeps hold of it during rotational movement of the pivoting part. A 2nd pickup element opposite to the 1st pickup element and in such a way that rotation n of the pivoting part is through 90 or 270 degrees. This apparatus claim does not adequately associates the elements that make up this device for checking and rotating electronic components. How is the through opening associated with the pivot point? Moreover applicants consistently have used the term “characterized” in each of the claims. What do applicants intend by this word? There is also a lack of clarity and particularity as the how or why the pickup elements rotate 90 or 270 degrees (Claim 1)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 assuming that the claims are clear and definite and assuming that the disclosure is enabling, are further rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (Pat No. 5,223,745); hereinafter Morita.

Morita et al teach an electronic component mounting apparatus with a monitoring device . The device hjas an X-Y table assembly movable in an horizontal plane. And a monitoring device attached to the assembly. A pickup head is attached to the assembly so as to be movable in one direction and also moveable vertically with respect to the lower surface of the X-Y assembly The head includes 2 nozzles which are coupled to vacuum means are rotatable. A monitoring device is placed so that one of the nozzles can be monitored by a monitoring device. (Cf. Abstract). From at least figures 4(a)-4(j)

Morita teach that there must be a pivot point between element (or nozzles 21 & 22) See the change in position between Figure 4(b) and 4(c). (N.B. That element 50 is a camera) Also note from Figure 4(h) that the nozzle (22 & 21) are moved parallel to circuit board (3A) . Moreover from at least Figure 4(h) Morita teaches that nozzles (21 & 22) can be rotated about mounting head (1). It would be obvious to provide that the structure supporting the pivoting part (as well as the pivoting part) is movable in the X and also Y directions (Cf. e.g. Figure 2) and moreover that the pivoting part can rotate through 90 or 270 degrees. (Cf. Figs 4(a)- 4(j)). As applied to Claim 4 camera (5) is provided to check the surfaces of the electronic components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. J. Arbes whose telephone number is 571-272-4563. The examiner can normally be reached on M, T, R and F from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Vo, can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/C. J. Arbes/
Primary Examiner, Art Unit 3729